



IN THE 45th JUDICIAL CIRCUIT, Lincoln COUNTY, MISSOURI

Judge or Division: Richard G. Callahan	Circuit Court Case Number: 20L6-CC00031	
Plaintiff/Petitioner: Karla L. Allsberry	Appellate Number:	<input type="checkbox"/> Filing as an Indigent
	Date of Judgment/Decree/Order: (ATTACH A COPY) February 8, 2021	Court Reporter: Mindy S. Hunt Randall W. Wells
	Date Post Trial Motion Filed: n/a	<input type="checkbox"/> Sound Recording Equipment
Defendant/Respondent: Judge Patrick S. Flynn	Date Ruled Upon: n/a	The Record on Appeal will consist of: ___ Legal File only or __X__ Legal File and Transcript

(Date File Stamp)

### Notice of Appeal to Missouri Court of Appeals - Civil

District: ☐ Western ☒ Eastern ☐ Southern

Notice is given that <b>Defendant Judge Patrick S. Flynn</b> appeals from the judgment/decreet/order entered in this action on February 8, 2021.	
Appellant's Name (If multiple, list all or attach additional pages) Judge Patrick S. Flynn	Respondent's Name (If multiple, list all or attach additional pages) Karla L. Allsberry
Address c/o Counsel	Address c/o Counsel
Appellant's Attorney/Bar Number (If multiple, list all or attach additional pages) D. John Sauer #58721 Melanie Pennycuff #72227	Respondent's Attorney/Bar Number (If multiple, list all or attach additional pages) David M. Duree #21003
Address Office of the Missouri Attorney General P.O. Box 861 St. Louis, MO 63188	Address 312 S. Lincoln Ave. O'Fallon, IL 62269
E-mail Address <a href="mailto:John.Sauer@ago.mo.gov">John.Sauer@ago.mo.gov</a> <a href="mailto:Melanie.Pennycuff@ago.mo.gov">Melanie.Pennycuff@ago.mo.gov</a>	E-mail Address <a href="mailto:Law@dmduree.net">Law@dmduree.net</a>
Telephone 314-340-7652	Telephone 618-628-0186
Brief Description of Case (May be completed on a separate page)  This case involves a declaratory judgment entered by a Circuit judge interpreting Section 478.240 as to what authority, if any, a presiding judge has to administratively suspend, with pay and benefits, an elected Circuit Clerk.	
Issues Expected To Be Raised On Appeal (May be completed on a separate page. Appellant is not bound by this list.) Whether a Circuit Judge has jurisdiction to issue a declaratory judgment interpreting Section 278.240, or whether the Missouri Supreme Court has original and exclusive jurisdiction over Section 278.240.  Whether the statutory language of subsection 2 designating the presiding judge as chief administrative officer bestows the power of suspension over the duly elected or gubernatorial appointed court clerk.	

**Docket Fee Information**

- ☐ The docket fee in the amount of \$70.00 is being tendered with this notice of appeal.
- ☒ No docket fee is being tendered because:
- ☒ a docket fee is not required by law pursuant to: Government Filer – Exempt from filing fees
  - ☐ a motion to prosecute the appeal in forma pauperis has been or will be filed.
  - ☐ a docket fee in the amount of \$70.00 cannot be tendered at this time but will be submitted at a later date or this appeal will be subject to dismissal pursuant to Rule 84.08(a).

Signature of Attorney or Appellant

Date

**Certificate of Service on Persons other than Registered Users of the Missouri eFiling System**

I certify that on \_\_\_\_\_ (date), a copy of the foregoing was sent to the following by facsimile, hand-delivery, electronic mail or U.S. mail postage prepaid to their last known addresses.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Appellant or Attorney for Appellant

**Directions to Clerk**

Transmit a copy of the notice of appeal and all attached documents to the clerk of the Court of Appeals and to any person other than registered users of the eFiling system in a manner prescribed by Rule 43.01. Clerk shall then fill in the memorandum below. See Rule 81.08(i). Forward the docket fee to the Department of Revenue as required by statute.

**Memorandum of the Clerk**

I have this day served a copy of this notice by ☐ regular mail ☐ registered mail ☐ certified mail ☐ facsimile transmission to each of the following persons at the address stated below. If served by facsimile, include the time and date of transmission and the telephone number to which the document was transmitted.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I have transmitted a copy of the notice of appeal to the clerk of the Court of Appeals, \_\_\_\_\_ District.

- ☐ Docket fee in the amount of \$70.00 was received by this clerk on \_\_\_\_\_ (date) which will be disbursed as required by statute.
- ☐ No docket fee was received.

Date

Clerk